

REMARKS

Claims 1, 3, 4, 7-13, 16-20 remain in this application. Claims 2, 6, and 15 are canceled. Claims 1, 10, and 19 are independent claims.

Statement of Interview

The Examiner is thanked for conducting an interview on March 6, 2009 and follow-up message on March 9, 2009, regarding the appropriate course of action in view of the new grounds of rejection.

§ 112, second paragraph, Rejection

Claims 10-20 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The Examiner's Answer indicates that a specific algorithm for performing each function is required in order to meet requirements under 35 U.S.C. 112, sixth paragraph. The Examiner's Answer indicates that the specification fails to set forth which structural element corresponds to each recited means.

Accordingly, Applicant has amended the claims to recite the network environment in which the present invention is applied, and to recite the corresponding network element that is responsible for each step/function. As described in the specification, most steps/functions are performed using the computer 11 (recited as "central computer") which carries out steps shown in various flow charts. Steps/functions have also been amended to more accurately reflect corresponding steps/functions shown in the flow charts (e.g. Figs. 2, 11).

Applicants requests that the rejection be reconsidered and withdrawn based on the claims as amended.

§ 101 Rejection

Claims 1-20 have been rejected under 35 U.S.C. 101, as being directed to non-statutory subject matter.

As noted above, the claims have been amended to recite the network environment, as well as components making up the network, in which the present invention is implemented. Applicant submits that the claims as amended sufficiently tie the claimed invention to a particular machine. Applicant requests that the rejection be reconsidered and withdrawn based on the claims as amended.

§ 103(a) Rejection – “CarBargains”, “Interax”

Claims 1-3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over “CarBargains” and “Interax” (described in cited references).

Claims 4-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over “CarBargains” and “Interax.”

The claims have been amended based on a review of the prior art references.

Embodiments of the present invention covered by claim 1 are directed to a method (e.g., Fig. 2) for purchasing goods or services from a seller by a buyer, the method being implemented in a network having a central computer system and at least one terminal (e.g., Fig. 1), comprising:

(a) receiving (e.g., Fig. 2, step S1), at said central computer system, a request from a buyer, using said at least one terminal, for requesting goods or services, said request including a predetermined plurality of criteria related to the goods or services and a predetermined criteria related to sellers of the goods or services (e.g., Fig. 2, step S3; Fig. 10 and specification at paragraph bridging pages 23-24);

(b) selecting (e.g., Fig. 2, steps S3 and S4; Fig. 8), by said central computer system, sellers from a predetermined group of at least two sellers that offer the requested goods or services by excluding sellers from said predetermined group of sellers that do not meet the received predetermined plurality of criteria related to the goods and services and related to the

sellers (e.g., Fig. 11, steps S4a to S4d), and ranking said selected sellers based on the time that the respective sellers received a last request before said request from said buyer (e.g., Fig. 11, step S4e);

(c) transmitting (e.g., Fig. 2, step S5), using said network, the request of the buyer including said received predetermined plurality of criteria related to said goods or services to the selected sellers of the goods or services;

(d) receiving (e.g., Fig. 2, steps S6 and S7), by said central computer system, within a predetermined time interval (spec at page 17), responses from at least one seller to the request;

(e) compiling (e.g., Fig. 2, step S8), by said central computer, information provided in the responses received from at least one seller within the predetermined time interval;

(f) ranking (e.g., Fig. 14; spec at pages 18-19), by said central computer, the responding sellers based upon a weighted evaluation of the compiled information including the plurality of criteria and selecting sellers in order from highest ranking; and

(g) providing (e.g. Fig. 2, step S10; spec at pages 20-21; Fig. 15), to said at least one terminal, the ranked selected sellers and respective responses for access by the buyer.

Embodiments of the present invention covered by claim 10 are directed to a system (e.g., Fig. 1) for obtaining information for the purchasing of goods or services, the system being implemented as a network connecting buyers and sellers, the system comprising:

a user terminal providing an interactive form interface (e.g., Fig. 10) for inputting a request for desired goods or services from a buyer, the form presenting predetermined criteria related to the goods or services and predetermined criteria related to sellers of the goods or services, and transmitting to a central computer system the criteria related to the goods and services and the criteria related to sellers of the goods or services that is input in the form;

the central computer system selecting (e.g., Fig. 2, S3, S4; Fig. 8; Fig. 11) sellers from a predetermined group of sellers that offer the requested goods or services based on the inputted criteria related to sellers of the goods or services, ranking the selected sellers based on pre-stored criteria related to sellers, and choosing a predetermined number or less of selected sellers in ranked order;

said network transmitting the request, including inputted criteria related to said goods or services, of the buyer to the chosen predetermined number of sellers (e.g., Fig. 2, S5);

said central computer system receiving, within a predetermined time interval, responses from the responding sellers (e.g., Fig. 2, S6);

said central computer system compiling information provided in the response received within the predetermined time interval, and ranking (e.g., Fig. 2, S8) the sellers based upon a weighted evaluation of the compiled information, and for selecting sellers in order of highest ranking; and

said central computer system providing the ranked selected sellers and respective responses in a report format (e.g., Fig. 2, S10; Fig. 15) for access by the buyer using the user terminal.

Unlike CarBargains, the claimed invention receives criteria related to the seller as well as criteria related to the product of interest to the buyer. The ALMES ("central computer") selects sellers based on criteria related to the sellers, such that only sellers meeting the criteria are selected to be sent information for a product requested by the buyer (Fig. 11).

An aspect of the present invention is that sellers are ranked based on time of a last request (step S4e in Fig. 11). This ranking is performed to give equal opportunity to sellers meeting the criteria and prevent some sellers from being inundated with requests from buyers.

A further aspect of the present invention is a second ranking step/function that includes a weighted evaluation of information compiled from seller responses (specification at pages 18-19).

Applicant submits that Interax provides the consumer with a ranked list of insurance companies, which are ranked by projected bonuses and past performance of the insurance companies' respective product. However, Applicant submits that Interax does not rank insurance companies based on an evaluation of responses to buyer requests.

For at least these reasons, Applicant submits that the claimed invention is patentable over teachings presented in CarBargains and Interax. Applicant requests that the rejections be reconsidered and withdrawn.

Furthermore, claims 3 and 12 have been amended to cover subject matter of step S4c in Fig. 11 and corresponding description in the specification.

Claims 4 and 13 have been amended to cover subject matter described in the specification at page 22, second paragraph.

Claims 5 and 14 have been amended to cover subject matter described in the specification at page 23, with regard to "real-time system" provided for seller with respect to specific products.

Applicant submits that at least the subject matter of claims 3, 4, 5, 12, 13, and 14 are patentable over teachings of CarBargains and Interax.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert Downs** Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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